

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

MINUTES OF A REGULAR MEETING
OF THE FACULTY SENATE HELD ON
NOVEMBER 9, 1984, IN LISNER HALL
Room 603

1 The meeting was called to order by President Elliott at 2:13 p.m.

Present: President Elliott, Vice President French, Registrar Grimm, Altshuler, Birnbaum, Castleberry, Cheh, Claeysens, Della Torre, Fox, Greene, Griffith, Kelly, Kenney, Kramer, Levy, Liebowitz, Loeser, Morgan, Pierpont, Plotz, Rashid, D. Robinson, L. Robinson, Schiller, Schlagel, Smith, Tolchin, and Wallace

Absent: Barron, Eldridge, Frey, Hill, Lovett, Schechter, Singpurwalla, Solomon, and Yezer

2 The minutes of the regular meeting of October 12, 1984, were approved as distributed.

3 (a) President Elliott then recognized Professor Griffith, Chairman, Executive Committee, for further discussion of Resolution 84/5, "A Resolution to Amend the Procedures for Implementation of Article X of the Faculty Code, Paragraph E," postponed to this meeting. Professor Griffith said that the Executive Committee asked the Professional Ethics Committee to review the suggestions to amend Resolution 84/5 submitted by Professors Cheh, Eldridge, Altshuler, Levy, Rashid, Kahn, and Pickholtz at the October 12th Senate meeting. The Professional Ethics Committee completed its review of these suggestions, and Professor Griffith called upon Professor Morgan, Chairman of the Professional Ethics Committee, for his report. Professor Morgan proceeded by taking up each section under Paragraph E. separately. Amendments were moved by Professor Morgan, on behalf of the Professional Ethics Committee, and by members from the floor, and discussion and action followed each motion. After completion of the amending process, Professor Griffith said that a new draft, incorporating the new amendments, would be prepared for the December meeting, and he asked for unanimous consent to postpone final consideration of Resolution 84/5 to the December 14, 1984, Senate meeting. The Senate unanimously approved postponement of Resolution 84/5 to the December 14, 1984, Senate meeting. (Resolution 84/5 attached with text showing new amendments adopted 11/9/84.)

(b) On behalf of the Professional Ethics and Academic Freedom Committee, Professor Morgan, Chairman, reported that no recommendations to amend Resolution 84/6, "A Resolution to Amend the Procedures for Implementation of the Faculty Code, Paragraph F, Dismissal of a Faculty Member," were received by the committee. Professor Griffith asked if any members wished to offer amendments to Resolution 84/6. No amendments were offered. Professor Griffith asked for unanimous consent to postpone final consideration of Resolution 84/6 to the December 14, 1984, Senate meeting. The Senate unanimously approved postponement of Resolution 84/6 to the December 14, 1984, Senate meeting. (Resolution 84/6 attached with text.)

4 (a) and (b) On behalf of the Public Ceremonies Committee, Professor Rashid, Chairman, moved that consideration of Item 4(a) Resolution 84/10, "A Resolution to Establish an Honors Convocation," and Item 4(B) Resolution 84/..., "A Resolution to Create a University Committee on Public Ceremonies," be postponed to the December 14, 1984, Senate meeting because of the lack of time for adequate discussion of these two resolutions. The motion was seconded. The question was called, and the motion was adopted. (Resolutions 84/10 and 84/11 attached.)

5 There were no resolutions introduced under Introduction of Resolutions.

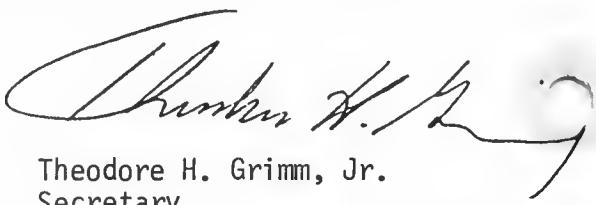
6 (a) On behalf of the Executive Committee, Professor Griffith moved the nomination for election of additional members to the following Senate Committees: Public Ceremonies Committee: Claudia J. Derricotte, Director, Student Activities, and Sandra H. Lear, Director, Alumni Relations; Athletics Committee: Teresa Fay, student, and Kathy Marshall, student; Joint Committee of Faculty and Students: Paul B. Malone, Associate Professor of Business Administration, as replacement for Professor Wagner. There were no nominations from the floor, and the nominees were unanimously elected.

(b) In his report on behalf of the Executive Committee, Professor Griffith announced that the Faculty Senate, in conjunction with the Office of the Vice President for Academic Affairs, will host a breakfast for new faculty members in January. He reported that a new insert for the Faculty Code will be distributed soon, containing two additional amendments made last spring that add tenure criteria to the Code and provide for sabbatical leave for non-tenured faculty. He said it was anticipated that a revised Faculty Code will be printed this summer. Professor Morgan suggested that the Executive Committee might wish to consider reprinting the Faculty Code as two documents, i.e., the Faculty Code and the Procedures for the Implementation of the Faculty Code. Regarding the information distributed to members today on possible changes to the academic calendar submitted by Associate Professor Philip Robbins, Acting Chairman of the Educational and Admissions Policy Committee, Professor Griffith noted that this provides background information in preparation for the resolution the committee expects to bring before the Senate in December.

Professor Kramer, Chairman, Alumni Affairs Committee, noted that this committee was established in December, 1981, for a trial period of three years. The Annual Reports of the committee for the past two years recommended that no permanent Faculty Senate Standing Committee on Alumni Affairs be established because it appeared to serve no useful purpose. Professor Kramer said that the committee discussed this matter and, with the concurrence of the Director of Alumni Affairs, agreed that the Alumni Affairs Committee should be disbanded and that the Senate should take no action to continue this committee upon its expiration in December, 1984.

7 There were no Brief Statements.

8 Upon motion made and seconded, the meeting adjourned at 4:48 p.m.



Theodore H. Grimm, Jr.
Secretary

A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE, PARAGRAPH E (84/5)

WHEREAS, the Morgan Report recommended modifying the Procedures for Implementation of Article X to reduce expense, waste of time and confusion over procedural complexities, by reducing the role of legal counsel to an advisory one or, alternatively, by adjoining a presiding hearing officer to the existing faculty hearing committee; and

WHEREAS, the Committee on Professional Ethics and Academic Freedom, after extensive consultation and review, concludes that the hearing-officer alternative is an approach more protective of faculty rights, and offers surer guarantees of reducing procedural error, confusion and waste of time while still protecting the faculty's role in self-governance; and

WHEREAS, supplementing the full grievance hearing-and-appeal procedure by an arbitration process, for settling substantive disputes which do not involve those specific invasions of professional rights which are grievable, also appears to promise speedier, less costly and more far-reaching dispute resolution; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the current procedures in Paragraph E for dealing with grievances be revised and extended by substituting a new Paragraph E (see attached), to provide for:

1. a binding arbitration process (cf. 3. a and 3. b pp 4-5)
2. An experienced Hearing Officer to preside and expanded Hearing Committee authority (a) to dismiss frivolous, non-specific, or repetitious complaints (3. c. & 3. d., pp 5-8), and (b) to control the hearing itself (3. d., p 8); and
3. other improvements proposed in the Morgan Report, with respect to Preliminary Proceedings (2. b & 2. c, p. 3) and reports of findings and recommendations (3. d, pp. 8-9), and Appeals (4. a, b, & d p 10).

Committee on Professional Ethics and Academic Freedom of The Faculty Senate
April 20, 1984

Postponed 5/4/84 to next regular Senate meeting (9/21/84)

Postponed 9/21/84 to the November 9, 1984, Senate meeting

Postponed 11/9/84 to the December 14, 1984, Senate meeting

E. PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE

E. Procedures for Implementation of Article X of the Faculty Code

1. Grievance Committee

The Faculty Senate shall elect a Grievance Committee of fifteen tenured active status faculty members, no more than three of whom shall be members of the faculty of any one school or college (except that four may be members of the faculty of Columbian College) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms, so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chairman of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the grievance procedures.

2. Preliminary Proceedings

a) Before instituting any formal proceedings concerning an alleged violation of the Faculty Code, the aggrieved party or parties shall exhaust all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.

b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chairman of the Executive Committee. The Senate shall appoint a special mediation committee of three members, none of whom shall be members of the Grievance Committee; and this mediation committee shall conduct an informal investigation of the matter and attempt to effect a mutually satisfactory resolution.

c) The special committee shall submit a report to the Faculty Senate, with copies transmitted to the parties, when it has either achieved a mutually satisfactory resolution or concludes that further efforts at mediation would be futile. The report shall include, if appropriate, the committee's evaluation of, or recommendations concerning, any university, college, school, or departmental policies or practices involved in the dispute.

E. PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE

1. Grievance Dispute Resolution Committee

The faculty Senate shall elect a Grievance Dispute Resolution Committee of fifteen tenured active status faculty members, no more than three of whom shall be members of the faculty of any one school or college (except that four may be members of the faculty of Columbian College) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms, so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chairman of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the grievance procedures.

2. Preliminary Proceedings

a) No change

b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chairman of the Executive Committee. The Senate Executive Committee, once it has made its own determination that all reasonable efforts to achieve a resolution through informal consultation have been exhausted, shall appoint either a special mediator or a special mediation committee of three members, none of whom shall be members of the Grievance Dispute Resolution Committee; and this mediator or mediation committee shall conduct an informal investigation of the matter and attempt to effect expeditiously a mutually satisfactory resolution. The appointment shall be recorded in the minutes of the Faculty Senate.

c) The special mediator or mediation committee shall ~~submit a~~ report to the Faculty Senate Executive Committee, with copies to the parties, when that either a mutually satisfactory ~~resolution~~ solution has been achieved or it ~~is~~ has been concluded that further efforts at mediation would be futile. ~~The report shall include, if appropriate, an evaluation of, or recommendations concerning, any university, college, school, or departmental policies or practices involved in the dispute, If a resolution has been achieved, the report should set forth the basis of the settlement.~~

*Concurred
F.S. Executive Committee
11/14/84*

NOTE: Amendments adopted 11/9/84 by the Faculty Senate indicated by: "—" and "/" in right-hand columns.

3. Formal Proceedings

a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, the identity of the remedy sought, and the reasons alleged to justify the remedy.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties.

4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

3. Formal Proceedings

a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Dispute Resolution Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or responsibilities under the Faculty Code alleged to have been violated or the substantial injury allegedly inflicted, the specific act or acts alleged to constitute the violation or to have inflicted the injury, the identity of the remedy sought, and the reasons alleged to justify the remedy. No grievance or arbitration may be maintained on the basis of error which did not affect the substantial rights of the complainant.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Dispute Resolution Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties. -4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

4) Upon receipt of the complaint and reply, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, consider whether the matter in dispute is suitable for arbitration; and if he finds it so, shall recommend offer arbitration to the parties.

Agreement to arbitration binds the parties to accept the arbitrator's award. If the parties agree, the Chairman of the Dispute Resolution Committee shall initiate the arbitration process as specified below. If the matter in dispute is not suitable for arbitration or the parties fail to agree on arbitration, the Chairman of the Dispute Resolution Committee shall appoint a Hearing Committee and a Hearing Officer as provided below to consider whether a grievance may be maintained.

3. Formal Proceedings

a) Commencement of Proceedings /cont./

Add new section:

5) Arbitration shall not be initiated unless all parties to the dispute agree to arbitration. Where a dispute contains issues that are arbitrable only and issues that are grievable, the parties may agree to sever the issues which are arbitrable only and arbitrate only those issues. If the parties agree to arbitration, the Chairman of the Dispute Resolution Committee shall initiate the arbitration process as specified below. If the matter in dispute is not suitable for arbitration or the parties fail to agree on arbitration, the Chairman of the Dispute Resolution Committee shall appoint a Hearing Committee and a Hearing Officer as provided below to consider whether a grievance may be maintained.

E. PROCEDURES FOR IMPLEMENTATION

3. Formal Proceedings

b) Arbitration

1) Upon mutual agreement to arbitration, an arbitrator shall be picked designated by the Chairman of the Dispute Resolution Committee, in consultation with the Executive Committee, from a panel of University faculty who are qualified by selected on the basis of their experience and training. The complainant Any party may make one preemptory challenge to the arbitrator appointed. Any party may also challenge for cause the arbitrator appointed, in which case the Dispute Resolution Committee shall review the challenge, and if it is found justified, the Chairman shall appoint another arbitrator.

2) The Arbitrator shall request expeditiously that the parties concerned submit documents and other information enabling the arbitrator to determine that an arbitrable dispute exists. This initial activity may include interviewing the parties. If the arbitrator finds that the dispute is not an arbitrable one under Article X.B.2. of the Code, he shall return the dispute to the Dispute Resolution Committee for disposition. Otherwise a time for hearing shall be set as soon as all parties can appear.

3) The arbitration hearing is less formal than that for resolving grievances, and emphasis shall be on a complete and fair presentation of the issues. The parties shall have access to all documents submitted to the arbitrator, except documents pertaining to individual faculty salaries. The arbitrator may question witnesses and otherwise assist the parties to present the information needed to make an informed decision. Each party may make a closing statement after all testimony has been presented.

Add new section:

4) The task of the arbitrator is not to substitute his/her judgment for that of the makers of the decision which is being challenged unless he/she finds that a substantial injury has resulted from an arbitrary and capricious action.

E. PROCEDURES

(Res. 84/5) 4.

3. Formal Proceedings

b) Arbitration /cont./

4) 5) The award and a written reason for the decision shall be prepared by the arbitrator within 60 days from conclusion of the hearing. A copy shall be sent to the faculty member, any other parties to the dispute, and the Dispute Resolution Committee. The award is binding on the parties, including the University, should it be a party.

b) Hearing Committee

1) Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Grievance Committee. If the Hearing Committee finds that the complaint is based upon issues, evidence or allegations that have been previously heard and decided, or which could have been presented in a previous hearing, the Hearing Committee, in its discretion, may dismiss the complaint.

b) c) Hearing Committee and Hearing Officer

1) If the issue in dispute is not suitable for arbitration or the parties fail to agree to binding arbitration, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee, and a presiding Hearing Officer from a panel of names previously approved by the Executive Committee. The Hearing Officers shall be chosen from among University personnel of appropriate experience and training, but need not be attorneys. The role of the Hearing Officer throughout these procedures is to assure an orderly, expeditious, and relevant hearing; to assure the development of a complete, fair and reliable record; and to advise the Hearing Committee as to issues of substance and procedure. The Hearing Committee may request the replacement of the Hearing Officer at any time.

(Delete rest of original section.)

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by preemptory challenge. Any party may also seek to disqualify a member of the Hearing Committee for cause. The Grievance Committee shall hear and decide any challenges for cause. The Chairman of the Grievance Committee shall, from among the remaining members of the Grievance Committee, fill any vacancies on the Hearing Committee created by challenges.

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by preemptory challenge. Any party may also seek to disqualify a member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chairman of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

E. PROCEDURES FOR IMPLEMENTATION
3. Formal Procedures

b) Hearing Committee

3) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

b) c) Hearing Committee and Hearing Officer /cont./

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of respondent's reply, the Chairman of the Dispute Resolution Committee shall convene the Hearing Committee to review the Complaint. If a ~~defendant/moves/to/dissmiss, and if the Chairman of the Dispute Resolution Committee and two members of the Hearing Committee/for/7/7/7 members of the Hearing Committee,~~ majority of the Hearing Committee, after an opportunity for informal argument by the parties, finds that the complaint does not allege facts sufficient to state a grievance under the Code or that the complaint is based upon evidence or allegations which are substantially the same as those that have been previously heard and decided, or which could have been presented in a previous hearing, or that the complaint raises, in whole or in part, issues that are arbitrable only, the complaint shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If ~~ten members~~ a majority of the Dispute Resolution Committee ~~(including the Chairman and the members of the Hearing Committee)~~ concludes that for any of the reasons set out in this section a hearing is not warranted, the complaint shall be dismissed, in whole or in part, and the matters dismissed deemed closed.

Add new section:

4) On the determination that a hearing is warranted, the Hearing Committee shall be convened by the presiding Hearing Officer and establish a schedule for the hearing.

4) 5) No change

Add new section:

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of substance or procedure necessary to the conduct of the hearing, subject to being overridden by a majority vote of the Hearing Committee; to ask questions and to control the development of testimony and of evidence in the record as deemed appropriate; to prepare a draft opinion for the use of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer does not vote on the ultimate questions of fact, substance, procedure, or policy, as

4) All three members of the Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

E. PROCEDURES FOR IMPLEMENTATION

3. Formal Procedures

b) c) Hearing Committee and Hearing Officer
/cont./

these are acted upon by the Hearing Committee. The Hearing Officer signs dispositive orders of the Hearing Committee only to authenticate them.

Add new section:

7) Members of hearing committees, members of the Dispute Resolution Committee, and the parties shall avoid ex parte communications bearing on the substance of the dispute.

c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) The Hearing Committee may, in its discretion, request that the Executive Committee of the Faculty Senate designate a member of the Law Faculty to serve as Committee Counsel to advise the Committee on legal questions during the hearings and deliberations.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of due process of law. The parties shall be entitled to testify on their own behalf, to call as witnesses any member of the University faculty and also any other person who is willing to testify, to present written and other tangible evidence, and to cross-examine witnesses called by other parties. Sworn depositions may be received in evidence when opposing parties have been given reasonable opportunity to appear and cross-examine the deponent. A party shall be entitled to inspect and copy, in advance of the hearing, any relevant documents in the control of another party and not privileged, and may offer such documents or excerpts therefrom in evidence.

e) d) Procedure for Hearings

1) No change

2) A grievance procedure is not a formal judicial proceedings. Its purpose is to provide a fair evaluation of the allegation that a right or a responsibility has been violated. In order to achieve that end, the Hearing Committee shall have authority to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and also any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; and to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence which is not privileged. The Hearing Committee may decline to consider evidence where its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf, to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and to call any other person who is willing to testify; to present written and other tangible evidence, and to cross-examine witnesses called by other parties. Sworn-depositions-may-be-received-in-evidence at-the-discretion-of-the-Hearing-Committee. A party shall be entitled to inspect and copy in advance of the hearing, any relevant documents in the control of the other party and not privileged, and may offer such documents or excerpts therefrom in evidence.

E. Procedures for Implementation of Article X of the Faculty Code

3. Formal Proceedings

c) Procedure for Hearings

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Committee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.

7) At the conclusion of the taking of evidence and the hearing of arguments, the Committee shall deliberate and reach its decision in closed session. The vote of a majority shall be determinative.

8) The Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties.

3. Formal Proceedings

⇒ d) Procedure for Hearings /cont./

4) No change

5) No change

6) No change

7) At the conclusion of the taking of evidence and the hearing of arguments, the Committee shall deliberate and reach its decision in closed session. The Hearing Committee is not to substitute its judgment for that of the makers of a decision which is being challenged but rather to determine whether a substantial injury has resulted from an action that was arbitrary and capricious or otherwise substantially in violation of the Faculty Code. The vote of a majority shall be determinative.

8) Within ten calendar days The Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties and to the Chairman of the Dispute Resolution Committee.

Add new section:

9) The hearing procedures shall be concluded and the Hearing Committee's decision shall be rendered as soon as practicable.

E. Procedures for Implementation of Article X of the Faculty Code

4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chairman of the Grievance Committee and sending copies thereof to the Chairman of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by those members of the Grievance Committee who were not members of the Hearing Committee provided that members of the Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal.

c) The parties to an appeal shall be entitled to present written and oral argument.

d) The Grievance Committee shall render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chairman of the Executive Committee of the Faculty Senate.

5. Disposition

When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of the case, including the decisions of the Hearing Committee and the Grievance Committee, shall be transmitted to the President and the Board of Trustees for final disposition.

4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chairman of the Grievance Dispute Resolution Committee and sending copies thereof to the Chairman of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by members of the Grievance Dispute Resolution Committee who were not members of the Hearing Committee provided that members of the Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Grievance Dispute Resolution Committee eligible under the terms of this section.

c) The parties to an appeal shall be entitled to present written and oral argument. However, evidence not introduced in the hearing may not be considered on appeal.

d) The Grievance Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chairman of the Executive Committee of the Faculty Senate.

5. Disposition

When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of the case, including the decisions of the Hearing Committee and the Grievance Dispute Resolution Committee, shall be transmitted to the President and the Board of Trustees for final disposition.

A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF THE FACULTY CODE,
PARAGRAPH F, DISMISSAL OF A FACULTY MEMBER (84/6)

WHEREAS, the procedures provided in Paragraph F for Dismissal of a Faculty Member for Adequate Cause under Article V, Paragraph C of the Faculty Code are closely linked to the Procedures for Implementation of Article X in Paragraph E, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That Paragraph F be brought into conformity with Paragraph E of the Procedures by substituting "Dispute Resolution" for "Grievance" Committee wherever the latter term appears as shown in the attached:

Committee on Professional Ethics and Academic Freedom of The Faculty Senate
April 20, 1984

Postponed 5/4/84 to next regular Senate meeting (9/21/84)

Postponed 9/21/84 to the November 9, 1984, Senate meeting

Postponed 11/9/84 to the December 14, 1984, Senate meeting

F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

1. Commencement of Proceedings

a) Proceedings to dismiss a tenured faculty member for adequate cause may be commenced by a complaint, addressed to the Chairman of the Grievance Committee, signed by the Vice President for Academic Affairs and either the dean or the department chairman who has administrative responsibility for the faculty member concerned. The complaint shall set forth the grounds alleged to constitute adequate cause for dismissal. A copy of the complaint shall

be delivered in hand to the faculty member concerned or shall be sent by registered mail to the faculty member's residence. A copy of the complaint shall also be sent to the Chairman of the Executive Committee of the Faculty Senate.

b) Proceedings may also be commenced by a petition, setting forth the grounds alleged to constitute adequate cause for dismissal and signed by a majority of the tenured faculty of the school or college of the faculty member concerned, or twenty tenured members of that faculty, whichever is the lesser. A copy of the executed petition shall be delivered in hand to the faculty member concerned or sent by registered mail to his residence. Copies shall also be sent to the Chairman of the Grievance Committee, the Chairman of the Executive Committee of the Faculty Senate, and the Vice President for Academic Affairs.

c) Within twenty calendar days of the receipt of the complaint, the faculty member concerned shall reply in writing, sending copies of the reply to the Chairman of the Grievance Committee, to the Chairman of the Executive Committee of the Faculty Senate, and to the Vice President for Academic Affairs. The reply shall set forth with particularity the responding faculty member's position with respect to each allegation of the complaint.

F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

1. Commencement of Proceedings

a) line 4: Strike "Grievance" and insert "Dispute Resolution"

b) line 12: Strike "Grievance" and insert "Dispute Resolution"

c) line 5: Strike "Grievance" and insert "Dispute Resolution"

F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

2. Hearing Committee

a) Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of six members from among the members of the Grievance Committee.

b) No member of the same department as the faculty member concerned and no one who has signed a petition seeking that faculty member's dismissal shall sit on the Hearing Committee. The faculty member concerned may disqualify two members of the Hearing Committee by peremptory challenge and may also seek to disqualify a member of the Hearing Committee for cause. The Grievance Committee shall hear and decide any challenges for cause. The Chairman of the Grievance Committee shall, from among the remaining members of the Grievance Committee, fill any vacancies on the Hearing Committee created by challenges.

c) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

d) All of the members of the Hearing Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

3. Procedure for Hearings

The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

4. Appeals

The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 4, of these Procedures.

5. Attorneys' Fees and Expenses

If a faculty member prevails against charges brought against him or her, the University may, upon recommendation of the Hearing Committee, reimburse the faculty member concerned for all or part of attorneys' fees and expenses actually incurred in his or her defense.

F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

2. Hearing Committee

a) line 2 & 6:

~~Strike "Grievance"~~ and insert "Dispute Resolution"

b) lines 10, 12 & 14:

~~Strike "Grievance"~~ and insert "Dispute Resolution."

c) No change

d) No change

3. Procedure for Hearings

No change

4. Appeals

No change

5. Attorney's Fees and Expenses

No change

A RESOLUTION TO ESTABLISH AN ANNUAL HONORS CONVOCATION (84/10)

WHEREAS, The Public Ceremonies Committee of the Faculty Senate has drawn up and unanimously approved a proposal for an annual honors convocation to "promote excellence in education at The George Washington University by recognizing undergraduate students who have achieved academic distinction"; and

WHEREAS, The University does not currently have a ceremony to honor students who have excelled in scholastic activity; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the Faculty Senate endorse the proposal for an honors convocation and encourage the President of the University, the Vice President for Academic Affairs, and the deans of the undergraduate schools and colleges of the University for implementation by April, 1985.

Public Ceremonies Committee
October 12, 1984

Postponed 11/9/84 to the December 14, 1984, Senate meeting

Proposal for the Creation of an Annual Honors Convocation

An ad-hoc committee was appointed by the Public Ceremonies Committee in September of this year to prepare a substantive proposal for the establishment of an honors convocation at the University. The group met weekly over the past month and a half and took into consideration investigative work done by previous committees.

The ad-hoc committee, with the endorsement of the Public Ceremonies Committee, therefore proposes that an annual University Honors Convocation be established by the G.W. Administration beginning in the Spring semester of 1985 in accordance with the outline below.

PURPOSE: To promote excellence in education at The George Washington University by recognizing undergraduate students who have achieved academic distinction.

PARTICIPATION: All undergraduate, degree-granting schools and colleges of the University.

TIME AND LOCATION: A Saturday in early April, in Lisner Auditorium.

TYPES OF RECOGNITION:

1. Dean's List Recipients - students named to the Dean's Lists the previous Fall or Spring semesters.
2. Outstanding Academic Achievement Citation - students, who have completed a minimum of 45 semester hours of credit at G.W.U. and are among the top 2% (Q.P.I.) in their class in each school, will receive a special certificate.
3. Distinguished Scholar Award - recognizes an undergraduate student, one from each of the five schools, who has distinguished himself through exemplary academic achievement and scholarship. The student will be nominated by the faculty of each school and will be given a special award at the convocation.

ORDER OF PROGRAM:

Musical Prelude
Academic Procession
Invocation
Welcome
Convocation Address (preferably a distinguished alumnus)
Conferring of an Honorary Degree (if appropriate)
Musical Presentation
Recognition of Achievement (categories above)
Remarks by the President of the University
Alma Mater, etc.

Reception to follow at the Marvin Center

A RESOLUTION TO CREATE A UNIVERSITY COMMITTEE ON PUBLIC CEREMONIES (84/11)

WHEREAS, In recent years, public ceremonies at the University have become so varied and complex that their success requires the orchestration of a number of campus offices; and

WHEREAS, The Committee on Public Ceremonies is responsible for the growing, logistical burdens of University events such as the Opening Convocation, the winter and spring graduation exercises, and possible new programs, all of which seem to go beyond the original Committee charge to formulate recommendations and general policy regarding honorary degree candidates and all ceremonial functions;
THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the existing Committee on Public Ceremonies of the Faculty Senate be renamed the Committee on Honors and Academic Convocations with the charge to formulate recommendations and general policy regarding honorary degree candidates and all ceremonial functions; and
- (2) That the Faculty Senate recommend that the President create a University Committee on Public Ceremonies to plan and execute the University's annual public events, to be effective Academic Year 1985-86.

Public Ceremonies Committee
October 12, 1984

Postponed 11/9/84 to the December 14, 1984, Senate meeting

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.
20052

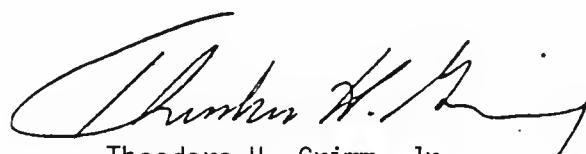
The Faculty Senate

October 29, 1984

The Faculty Senate will meet on Friday, November 9, 1984, at 2:10 p.m. in Lisner Hall 603.

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of October 12, 1984
3. Old Business:
 - (a) A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE, PARAGRAPH E (84/5), postponed September 21, 1984, to November 9, 1984; Professor John A. Morgan, Jr., Chairman, Professional Ethics and Academic Freedom Committee (Resolution 84/5 attached with text)*
 - (b) A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF THE FACULTY CODE, PARAGRAPH F, DISMISSAL OF A FACULTY MEMBER (84/6), postponed September 21, 1984, to November 9, 1984; Professor John A. Morgan, Jr., Professional Ethics and Academic Freedom Committee (Resolution 84/6 attached with text)
4. Resolutions:
 - (a) A RESOLUTION TO ESTABLISH AN ANNUAL HONORS CONVOCATION (84/10) with accompanying proposal; Professor Martha N. Rashid, Chairman, Public Ceremonies Committee (Resolution 84/10 attached with proposal)
 - (b) A RESOLUTION TO CREATE A UNIVERSITY COMMITTEE ON PUBLIC CEREMONIES (84/11), Professor Martha N. Rashid, Chairman, Public Ceremonies Committee (Resolution 84/11 attached)
5. Introduction of Resolutions
6. General Business:
 - (a) Nomination for election of additional members to the following Senate Committees: Public Ceremonies Committee: Claudia J. Derricotte, Director, Student Activities, and Sandra H. Lear, Director, Alumni Relations; Athletics Committee: Teresa Fay, student, and Kathy Marshall, student; Joint Committee of Faculty and Students: Paul B. Malone, Associate Professor of Business Administration, as replacement for Professor Wagner
 - (b) Report of the Executive Committee: Professor William B. Griffith, Chairman
7. Brief Statements
8. Adjournment



Theodore H. Grimm, Jr.
Secretary

*Professional Ethics and Academic Freedom Committee will present recommendations on suggestions to amend Resolution 84/5 submitted October 12, 1984.

A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE, PARAGRAPH E (84/5)

WHEREAS, the Morgan Report recommended modifying the Procedures for Implementation of Article X to reduce expense, waste of time and confusion over procedural complexities, by reducing the role of legal counsel to an advisory one or, alternatively, by adjoining a presiding hearing officer to the existing faculty hearing committee; and

WHEREAS, the Committee on Professional Ethics and Academic Freedom, after extensive consultation and review, concludes that the hearing-officer alternative is an approach more protective of faculty rights, and offers surer guarantees of reducing procedural error, confusion and waste of time while still protecting the faculty's role in self-governance; and

WHEREAS, supplementing the full grievance hearing-and-appeal procedure by an arbitration process, for settling substantive disputes which do not involve those specific invasions of professional rights which are grievable, also appears to promise speedier, less costly and more far-reaching dispute resolution; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY
That the current procedures in Paragraph E for dealing with grievances be revised and extended by substituting a new Paragraph E (see attached), to provide for:

1. a binding arbitration process (cf. 3. a and 3. b pp 4-5)
2. An experienced Hearing Officer to preside and expanded Hearing Committee authority (a) to dismiss frivolous, non-specific, or repetitious complaints (3. c. & 3. d., pp 5-8), and (b) to control the hearing itself (3. d., p 8); and
3. other improvements proposed in the Morgan Report, with respect to Preliminary Proceedings (2. b & 2. c, p. 3) and reports of findings and recommendations (3. d, pp. 8-9), and Appeals (4. a, b, & d p 10).

Committee on Professional Ethics and Academic Freedom of The Faculty Senate
April 20, 1984

Postponed 5/4/84 to next regular Senate meeting (9/21/84)

Postponed 9/21/84 to the November 9, 1984 Senate meeting

E. PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE

E. Procedures for Implementation of Article X of the Faculty Code

1. Grievance Committee

The Faculty Senate shall elect a Grievance Committee of fifteen tenured active status faculty members, no more than three of whom shall be members of the faculty of any one school or college (except that four may be members of the faculty of Columbian College) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms, so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chairman of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the grievance procedures.

Preliminary Proceedings

a) Before instituting any formal proceedings concerning an alleged violation of the Faculty Code, the aggrieved party or parties shall exhaust all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.

b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chairman of the Executive Committee. The Senate shall appoint a special mediation committee of three members, none of whom shall be members of the Grievance Committee; and this mediation committee shall conduct an informal investigation of the matter and attempt to effect a mutually satisfactory resolution.

c) The special committee shall submit a report to the Faculty Senate, with copies transmitted to the parties, when it has either achieved a mutually satisfactory resolution or concludes that further efforts at mediation would be futile. The report shall in-

clude, if appropriate, the committee's evaluation of, or recommendations concerning, any university, college, school, or departmental policies or practices involved in the dispute.

E. PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE

1. Grievance Dispute Resolution Committee

The Faculty Senate shall elect a Grievance Dispute Resolution Committee of fifteen tenured active status faculty members, no more than three of whom shall be members of the faculty of any one school or college (except that four may be members of the faculty of Columbian College) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms, so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chairman of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the grievance procedures.

2. Preliminary Proceedings

b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chairman of the Executive Committee. The Senate Executive Committee shall appoint either a special mediator or a special mediation committee of three members, none of whom shall be members of the Grievance Dispute Resolution Committee; and this mediator or mediation committee shall conduct an informal investigation of the matter and attempt to effect expeditiously a mutually satisfactory resolution. The appointment shall be recorded in the minutes of the Faculty Senate.

c) The special mediator or mediation committee shall submit a report to the Faculty-Senate Executive Committee, with copies to the parties, when either a mutually satisfactory resolution has been achieved or it is concluded that further efforts at mediation would be futile. The report shall include, if appropriate, an evaluation of, or recommendations concerning, any university, college, school, or departmental policies or practices involved in the dispute.

3. *Formal Proceedings*

a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, the identity of the remedy sought, and the reasons alleged to justify the remedy.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties.

4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

3. Formal Proceedings

a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Dispute Resolution Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or responsibilities under the Faculty Code alleged to have been violated or the substantial injury allegedly inflicted, the specific act or acts alleged to constitute the violation or to have inflicted the injury, the identity of the remedy sought, and the reasons alleged to justify the remedy.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Dispute Resolution Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties. -4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

4) Upon receipt of the complaint and reply, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, consider whether the matter in dispute is suitable for arbitration; and if he finds it so, shall recommend arbitration to the parties. Agreement to arbitration binds the parties to accept the arbitrator's award. If the parties agree, the Chairman of the Dispute Resolution Committee shall initiate the arbitration process as specified below. If the matter in dispute is not suitable for arbitration or the parties fail to agree on arbitration, the Chairman of the Dispute Resolution Committee shall appoint a Hearing Committee and Hearing Officer as provided below to consider whether a grievance may be maintained.

E. PROCEDURES FOR IMPLEMENTATION

3. Formal Proceedings

b) Arbitration

- 1) Upon mutual agreement to arbitration, an arbitrator shall be picked by the Chairman of the Dispute Resolution Committee from a panel of University faculty who are qualified by experience and training. The complainant may challenge for cause the arbitrator appointed, in which case the Dispute Resolution Committee shall review the challenge, and if it is found justified, the Chairman shall appoint another arbitrator.
- 2) The arbitrator shall request expeditiously that the parties concerned submit documents and other information enabling the arbitrator to determine that an arbitrable dispute exists. This initial activity may include interviewing the parties. If the arbitrator finds that the dispute is not an arbitrable one under Article X.B. 2 of the Code, he shall return the dispute to the Dispute Resolution Committee for disposition. Otherwise a time for hearing shall be set as soon as all parties can appear.
- 3) The arbitration hearing is less formal than that for resolving grievances, and emphasis shall be on a complete and fair presentation of the issues. The arbitrator may question witnesses and otherwise assist the parties to present the information needed to make an informed decision. Each party may make a closing statement after all testimony has been presented.
- 4) The award and a written reason for the decision shall be prepared by the arbitrator within 60 days from conclusion of the hearing. A copy shall be sent to the faculty member, any other parties to the dispute, and the Dispute Resolution Committee. The award is binding on the parties, including the University, should it be a party.

c. Hearing Committee and Hearing Officer

- 1) If the issue in dispute is not suitable for arbitration or the parties fail to agree to binding arbitration, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the

b) Hearing Committee

- 1) Upon receipt of the complaint, the Chairman of the Grievance Committee

E. PROCEDURES

- 3. Formal Proceedings
- c. Hearing Committee and Hearing Officer

1)/cont./

mittee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Grievance Committee. If the Hearing Committee finds that the complaint is based upon issues, evidence or allegations that have been previously heard and decided, or which could have been presented in a previous hearing, the

Hearing Committee, in its discretion, may dismiss the complaint.

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by peremptory challenge. Any party may also seek to disqualify a member of the Hearing Committee for cause. The Grievance Committee shall hear and decide any challenges for cause. The Chairman of the Grievance Committee shall, from among the remaining members of the Grievance Committee, fill any vacancies on the Hearing Committee created by challenges.

Faculty Senate, appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee, and a presiding Hearing Officer from a panel of names previously approved by the Executive Committee. The Hearing Officers shall be chosen from among University personnel of appropriate experience and training, but need not be attorneys. The role of the Hearing Officer throughout these procedures is to assure an orderly, expeditious, and relevant hearing; to assure the development of a complete, fair and reliable record; and to advise the Hearing Committee as to issues of substance and procedure. The Hearing Committee may request the replacement of the Hearing Officer at any time.

(Delete rest of original section.)

- 2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by peremptory challenge. Any party may also seek to disqualify a member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chairman of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

E. PROCEDURES FOR IMPLEMENTATION

3. Formal Procedures

~~Hearing Committee~~

3) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

P 24

- 3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of respondent's reply, the Chairman of the Dispute Resolution Committee shall convene the Hearing Committee to review the Complaint. If a defendant moves to dismiss, and if the Chairman of the Dispute Resolution Committee and two members of the Hearing Committee or if all members of the Hearing Committee, after an opportunity for informal argument by the parties, find that the complaint does not allege facts sufficient to state a grievance under the Code or that the complaint is based upon evidence or allegations which are substantially the same as those that have been previously heard and decided, or which could have been presented in a previous hearing, the complaint shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If ten members of the Dispute Resolution Committee (including the Chairman and the members of the Hearing Committee) conclude that for any of the reasons set out in this section a hearing is not warranted, the complaint shall be dismissed and the matter deemed closed.
- 4) On the determination that a hearing is warranted, the Hearing Committee shall be convened by the presiding Hearing Officer and establish a schedule for the hearing.
- 5) (Code Para. 4 renumbered)
- 6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of substance or procedure necessary to the conduct of the hearing, subject to being overridden by a majority vote of the Hearing Committee; to ask questions and to control the development of testimony and of evidence in the record as deemed appropriate; to prepare a draft opinion for the use of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer does not vote on the ultimate questions of fact, substance, procedure, or policy, as these are acted upon by the Hearing Committee. The Hearing Officer signs dispositive orders of the Hearing Committee only to authenticate them.

P 24

4) All three members of the Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

E. PROCEDURES FOR IMPLEMENTATION

c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) The Hearing Committee may, in its discretion, request that the Executive Committee of the Faculty Senate designate a member of the Law Faculty to serve as Committee Counsel to advise the Committee on legal questions during the hearings and deliberations.

3) The procedure at the hearings shall be formal, but shall comply with the requirements of due process of law. The parties shall be entitled to testify on their own behalf, to call as witnesses any member of the University faculty and also any other person who is willing to testify, to present written

or other tangible evidence, and to cross-examine witnesses called by other parties. Depositions may be received in evidence when opposing parties have been given reasonable opportunity to appear and cross-examine the deponent. A party shall be entitled to inspect and copy, in advance of the hearing, any relevant documents in the control of another party and not privileged, and may offer such documents or excerpts therefrom in evidence.

3. Formal Proceedings

d) Procedure for Hearings

2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evaluation of the allegation that a right or a responsibility has been violated. In order to achieve that end, the Hearing Committee shall have authority to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and also any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; and to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence which is not privileged. The Hearing Committee may decline to consider evidence where its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf, to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and to call any other person who is willing to testify; to present written and other tangible evidence, and to cross-examine witnesses called by other parties. ~~depositions-may-be-received-in-evidence-at-the-discretion-of-the-Hearing-Committee-~~ A party shall be entitled to inspect and copy, in advance of the hearing, any relevant documents in the control of the other party and not privileged, and may offer such documents or excerpts therefrom in evidence.

E. Procedures for Implementation of Article X of the Faculty Code

3. Formal Proceedings

q) Procedure for Hearings

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Committee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.

7) At the conclusion of the taking of evidence and the hearing of arguments, the Committee shall deliberate and reach its decision in closed session. The vote of a majority shall be determinative.

8) The Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties.

3. Formal Proceedings

q) Procedure for Hearings

8) Within ten calendar days the Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties and to the Chairman of the Dispute Resolution Committee.

E. Procedures for Implementation of Article X of the Faculty Code

4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chairman of the Grievance Committee and sending copies thereof to the Chairman of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by those members of the Grievance Committee who were not members of the Hearing Committee provided that members of the Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal.

c) The parties to an appeal shall be entitled to present written and oral argument.

d) The Grievance Committee shall render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chairman of the Executive Committee of the Faculty Senate.

4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chairman of the Grievance Dispute Resolution Committee and sending copies thereof to the Chairman of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by members of the Grievance Dispute Resolution Committee who were not members of the Hearing Committee provided that members of the Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Grievance Dispute Resolution Committee eligible under the terms of this section.

d) The Grievance Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chairman of the Executive Committee of the Faculty Senate.

F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

1. Commencement of Proceedings

a) Proceedings to dismiss a tenured faculty member for adequate cause may be commenced by a complaint, addressed to the Chairman of the Grievance Committee, signed by the Vice President for Academic Affairs and either the dean or the department chairman who has administrative responsibility for the faculty member concerned. The complaint shall set forth the grounds alleged to constitute adequate cause for dismissal. A copy of the complaint shall

be delivered in hand to the faculty member concerned or shall be sent by registered mail to the faculty member's residence. A copy of the complaint shall also be sent to the Chairman of the Executive Committee of the Faculty Senate.

b) Proceedings may also be commenced by a petition, setting forth the grounds alleged to constitute adequate cause for dismissal and signed by a majority of the tenured faculty of the school or college of the faculty member concerned, or twenty tenured members of that faculty, whichever is the lesser. A copy of the executed petition shall be delivered in hand to the faculty member concerned or sent by registered mail to his residence. Copies shall also be sent to the Chairman of the Grievance Committee, the Chairman of the Executive Committee of the Faculty Senate, and the Vice President for Academic Affairs.

c) Within twenty calendar days of the receipt of the complaint, the faculty member concerned shall reply in writing, sending copies of the reply to the Chairman of the Grievance Committee, to the Chairman of the Executive Committee of the Faculty Senate, and to the Vice President for Academic Affairs. The reply shall set forth with particularity the responding faculty member's position with respect to each allegation of the complaint.

F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

1. Commencement of Proceedings

a) line 4: Strike "Grievance" and insert "Dispute Resolution"

b) line 12: Strike "Grievance" and insert "Dispute Resolution"

c) line 5: Strike "Grievance" and insert "Dispute Resolution"

A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF THE FACULTY CODE,
PARAGRAPH F, DISMISSAL OF A FACULTY MEMBER (84/6)

WHEREAS, the procedures provided in Paragraph F for Dismissal of a Faculty Member for Adequate Cause under Article V, Paragraph C of the Faculty Code are closely linked to the Procedures for Implementation of Article X in Paragraph E, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That Paragraph F be brought into conformity with Paragraph E of the Procedures by substituting "Dispute Resolution" for "Grievance" Committee wherever the latter term appears as shown in the attached:

Committee on Professional Ethics and Academic Freedom of The Faculty Senate
April 20, 1984

Postponed 5/4/84 to next regular Senate meeting (9/21/84)

Postponed 9/21/84 to the November 9, 1984 Senate meeting

F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

2. Hearing Committee

a) Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of six members from among the members of the Grievance Committee.

b) No member of the same department as the faculty member concerned and no one who has signed a petition seeking that faculty member's dismissal shall sit on the Hearing Committee. The faculty member concerned may disqualify two members of the Hearing Committee by peremptory challenge and may also seek to disqualify a member of the Hearing Committee for cause. The Grievance Committee shall hear and decide any challenges for cause. The Chairman of the Grievance Committee shall, from among the remaining members of the Grievance Committee, fill any vacancies on the Hearing Committee created by challenges.

c) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

d) All of the members of the Hearing Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

3. Procedure for Hearings

The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

4. Appeals

The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 4, of these Procedures.

5. Attorneys' Fees and Expenses

If a faculty member prevails against charges brought against him or her, the University may, upon recommendation of the Hearing Committee, reimburse the faculty member

F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

2. Hearing Committee

a) line 2 & 6:

~~Strike "Grievance"~~ and insert "Dispute Resolution"

b) lines 10, 12 & 14:

~~Strike "Grievance"~~ and insert "Dispute Resolution."

c)

d)

3. Procedure for Hearings

4. Appeals

5. Attorney's Fees and Expenses

A RESOLUTION TO ESTABLISH AN ANNUAL HONORS CONVOCATION (84/10)

WHEREAS, The Public Ceremonies Committee of the Faculty Senate has drawn up and unanimously approved a proposal for an annual honors convocation to "promote excellence in education at The George Washington University by recognizing undergraduate students who have achieved academic distinction"; and

WHEREAS, The University does not currently have a ceremony to honor students who have excelled in scholastic activity; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the Faculty Senate endorse the proposal for an honors convocation and encourage the President of the University, the Vice President for Academic Affairs, and the deans of the undergraduate schools and colleges of the University for implementation by April, 1985.

Public Ceremonies Committee
October 12, 1984

Proposal for the Creation of an Annual Honors Convocation

An ad-hoc committee was appointed by the Public Ceremonies Committee in September of this year to prepare a substantive proposal for the establishment of an honors convocation at the University. The group met weekly over the past month and a half and took into consideration investigative work done by previous committees.

The ad-hoc committee, with the endorsement of the Public Ceremonies Committee, therefore proposes that an annual University Honors Convocation be established by the G.W. Administration beginning in the Spring semester of 1985 in accordance with the outline below.

PURPOSE: To promote excellence in education at The George Washington University by recognizing undergraduate students who have achieved academic distinction.

PARTICIPATION: All undergraduate, degree-granting schools and colleges of the University.

TIME AND LOCATION: A Saturday in early April, in Lisner Auditorium.

TYPES OF RECOGNITION:

1. Dean's List Recipients - students named to the Dean's Lists the previous Fall or Spring semesters.
2. Outstanding Academic Achievement Citation - students, who have completed a minimum of 45 semester hours of credit at G.W.U. and are among the top 2% (Q.P.I.) in their class in each school, will receive a special certificate.
3. Distinguished Scholar Award - recognizes an undergraduate student, one from each of the five schools, who has distinguished himself through exemplary academic achievement and scholarship. The student will be nominated by the faculty of each school and will be given a special award at the convocation.

ORDER OF PROGRAM:

Musical Prelude
Academic Procession
Invocation
Welcome
Convocation Address (preferably a distinguished alumnus)
Conferring of an Honorary Degree (if appropriate)
Musical Presentation
Recognition of Achievement (categories above)
Remarks by the President of the University
Alma Mater, etc.

Reception to follow at the Marvin Center

A RESOLUTION TO CREATE A UNIVERSITY COMMITTEE ON PUBLIC CEREMONIES (84/11).

WHEREAS, In recent years, public ceremonies at the University have become so varied and complex that their success requires the orchestration of a number of campus offices; and

WHEREAS, The Committee on Public Ceremonies is responsible for the growing, logistical burdens of University events such as the Opening Convocation, the winter and spring graduation exercises, and possible new programs, all of which seem to go beyond the original Committee charge to formulate recommendations and general policy regarding honorary degree candidates and all ceremonial functions;
THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the existing Committee on Public Ceremonies of the Faculty Senate be renamed the Committee on Honors and Academic Convocations with the charge to formulate recommendations and general policy regarding honorary degree candidates and all ceremonial functions; and
- (2) That the Faculty Senate recommend that the President create a University Committee on Public Ceremonies to plan and execute the University's annual public events, to be effective Academic Year 1985-86.

Public Ceremonies Committee
October 12, 1984